

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Plaintiff

v.

IVANJOEL ARYEETEEY

Defendant

Case No.: 15-CR-95-32 (AJN)

SENTENCING MEMORANDUM

TO THE HONORABLE ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE
FOR THE SOUTHERN DISTRICT OF NEW YORK

I. The Lottery

Ivanjoel Aryeetey's family won the U.S. visa lottery in 2008. They were ecstatic, but also scared. Ecstatic because they knew that Ivanjoel, the youngest of their three children, could pursue educational and sports opportunities in America that were simply not available in their native Ghana. Their happiness, however, was tempered by the fact that they were leaving behind a lifetime of memories and loved ones to head into the unknown.

When Ivanjoel was 12 "the family won the American lottery visa and so his father decided to retire from his job in order for us to relocate to the United States to give Ivan

a chance to take advantage of the opportunities available here and to develop his God given potentials”, wrote his mother to the Court, in a letter attached.¹ “It was very painful for us to leave our two older children who were then in college, but because we had hopes that they would join us soon we left them in the care of their maternal grandmother, who was then alive.”

Ivanjoel arrived from Ghana to the Bronx when he was 12, impressionable and at a pinnacle identity stage.² He was being raised by a very Christian family: his mother, a school teacher, can recite biblical verses off the top of her head; and his father, a 77-year old security guard whom Ivanjoel fears will die while he is imprisoned, was equally invested in religion.

II. American Money in the Bronx

Ivanjoel, however, found in his new adoptive home more materiality than spirituality. Christian piousness and stoicism couldn’t get him the things he wanted. He was enthralled by more mundane and earthly pursuits than the hymns and promises of Sunday services. He worshiped money and what it could buy. Ivanjoel wanted the sneakers all the kids were sporting. And the clothes. And the girls. He saw the lifestyle and he wanted in. That was the American dream he sought worth pursuing – not the one that his parents had imagined. So he pursued his version full-fledge.

¹ See Exhibit A.

² Although the PSR reports at ¶60 that Mr. Aryeetey arrived in the Bronx at age 14, his mother calculates it was when he was 12.

As he summarized at ¶60 in the Pre-Sentence Report, “I grew up in a Christian family. There were certain things I wanted, (which) I couldn’t get, so I had to go out and get them myself.” (See PSR, at Docket No. 1071) His main desire was to “always have money in my pocket to buy what I want(ed)”.

When he turned 17 and felt like an adult, he left his home and started living wherever it suited him best: with friends or girlfriends. He would stop by his mother’s house occasionally and would sometimes sleep and eat there, but he would eventually go back to the streets and the hustle.

III. The way back up

Despite his wrong choices as a young kid trying to fit in to a new environment, Ivanjoel never completely lost himself. The foundations of his Christian upbringing – teachings about right from wrong, altruism, self-discipline and responsibility – had had its effect. Ivanjoel, for example, first tried marijuana when he was 13 and in 8th grade, smoking between 20 to 50 cigarettes. However, as the PSR correctly states at ¶72, Ivanjoel reduced his marijuana consumption to between 5 to 10 cigarettes a day. Two months prior to his arrest, he stopped using marijuana completely. Furthermore, while housed at MCC, Ivanjoel completed a drug education program and is currently participating in a drug treatment program.

This marked decrease in his marijuana consumption, coupled with his willingness to engage in programs and identify the challenges he faces, shows that he is far from a

lost cause. He stands before Your Honor at only 21. Once he completes his sentence, he will have to adapt, yet again, to new surroundings: he will indeed start a third life, this time in Ghana. When he was 12, he came to the Bronx from Ghana. When he is 27 or 28, he will arrive to Ghana from the Bronx.

IV. Ivanjoel's immediate future

The 7-year prison sentence that both the government and the defense are seeking in this case, while hefty, is only part and parcel of his overall punishment. When Ivanjoel completes his sentence, he will probably be deported to Ghana, a place he last saw before being a teenager. Luckily, Ivanjoel will most likely be received in Ghana by his older brother, who wrote a letter to this Court describing his younger sibling as reliable, free-spirited, and successful when he focuses on a goal. "My brother is a people person, he is warm (and) receptive to whoever comes his way. He is the type of person who would give his last to see someone smile or happy. He is liked by all who come his way," wrote his brother in a letter attached.³

Ivanjoel's sister, who works as a nurse in London, described him as "talented", "very smart", and someone who is successful at whatever he puts his mind to. "I remember one day when I was asked to go get him from the playground, I got there and was so impressed when I saw how he dribbled the soccer ball among the other teammates and

³ See Exhibit B.

when he finally scored the goal I was like his personal cheerleader and (totally) forgot the reason I was at the playground in the first place”, his sister remembered.⁴

Ivanjoel’s mother has taken her son’s current predicament especially hard. She feels she failed as a mother and as a devout Christian in raising her youngest son. “As a teacher for the past thirty-five years, it has always (been) my desire that as I take care of children from various background my children will also benefit from society and contribute his quota to mankind. I have not lost hope”.

And she shouldn’t. Ivanjoel has myriad plans, and he has already shown his skills as an altruistic leader. Prior to his arrest in 2015 and 2016, Ivanjoel organized charity basketball tournaments for children near Mount Vernon. (*See* PSR at ¶ 79). Some of his charges in the basketball tournaments lamented the absence of their coach. One of the kids from the basketball tournament said Ivanjoel was like a “big brother” and that he hasn’t “stopped crying” since he left.⁵ He wanted to keep the kids off the streets and to teach him to not make the same mistakes he made.

Now, while incarcerated and awaiting sentencing, Ivanjoel has finally realized the importance of an education. He continues taking preparatory GED courses and awaiting the date of the next test. He also completed anger management and art courses at MCC. (*See* PSR at ¶ 77). His plans have faced some setbacks, but he is undeterred. Although he

⁴ *See* Exhibit C.

⁵ *See* Exhibits D and E.

failed the math portion of the GED, he is convinced he will master it and earn a high-school degree.

V. Deterrence will be achieved through a 7-year prison sentence

In this particular case, the need to provide deterrence will be met not by the amount of punishment Mr. Aryeetey receives but, rather, by the fact that he got caught and will indeed be punished. The Department of Justice, through its National Institute of Justice, has stated that “the certainty of being caught is a vastly more powerful deterrent than the punishment. Research shows clearly that the chance of being caught is a vastly more effective deterrent than even draconian punishment”.⁶ Additionally, the government’s research stresses that “increasing the severity of punishment does little to deter crime. Laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes. More severe punishments do not “chasten” individuals convicted of crimes, and prisons may exacerbate recidivism.”⁷

Mr. Aryeetey’s Section 3553(a)(1) factors all militate towards a sentence of 84 months of imprisonment, which is what the prosecution, the defense, and the U.S. Probation Office suggest as an appropriate punishment for Mr. Aryeetey’s behavior. Ivanjoel’s criminal actions in this case must be analyzed in light of his youthfulness, his

⁶ See, Five things about deterrence, by the National Institute of Justice, Department of Justice. <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>

⁷ *Id.*

problems adapting to a new scenario in a new country, his desire to fit in, and his desire for material things at an impressionable age. The factors Your Honor must consider when imposing the sentence under Section 3553(a)(2) – seriousness of the offense, promoting respect for the law, adequate deterrence of criminal conduct, protection to the public from further crimes – would be all achieved with a sentence of 84 months, also considering the likely immigration aftermaths of his sentence.

WHEREFORE, in view of the above, Mr. Aryeetey respectfully requests that this Honorable Court take notice of the present sentencing submission, and impose a sentence of 84 months, which is sufficient but not greater than necessary to accomplish the statutory goals of sentencing.

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In New York, New York, this 8th day of May, 2017.

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